

Department of Toxic Substances Control

Public Participation Manual

CHAPTER 6 SECTION H

Response to Comments

Chapter 6, Section H

Response to Comments

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Public Participation Tasks and Techniques

Section H ♦ Response to Comments

Overview

The “Response to Comments”, also known as an “Analysis of Public Comment” or a “Responsiveness Summary”, summarizes comments received during a public comment period, and documents DTSC responses to those comments. Comments may be obtained from transcripts of public hearings, public meetings, e-mail comments, verbal comments, and/or letters written to DTSC. A “Response to Comments” must be prepared whenever DTSC seeks formal public input on a decision for the following projects:

- ♦ A permit application;
- ♦ A closure plan;
- ♦ A site remedial action plan; or,
- ♦ A permit modification, CEQA determination (EIR and negative declaration).

The response must:

- ♦ Written in a way that is understandable by the community.
- ♦ Specify which provisions, if any, of the draft permit or draft RAP have been changed in the final permit and the reasons for the change;
- ♦ Briefly describe and respond to all significant comments on the draft permit or draft RAP raised during the public comment period or during any hearing;

Summarizing public comments and agency responses serves to document public interest in an agency decision, and DTSC’s level of responsiveness to public concerns. The Response to Comments is placed in the site information repositories and also becomes part of the site or facility’s permanent administrative record (as well as part of the final RAP), which is usually located in the office of the lead agency.

Responsibilities

Response to Comments Task Responsibilities		
Public Participation Specialist	PPS, PM, or clerical support	Project Manager
<ul style="list-style-type: none">◆ Advise Project Manager on organization & scope.◆ Reviews response to comments for clarity & responsiveness.◆ Responds to comments on PP Plan.◆ Elevates community comments--refers them to DTSC management for consideration, if necessary.		<ul style="list-style-type: none">◆ Writes draft response to comments.◆ Refers comments to other appropriate DTSC staff to draft responses.◆ Distributes draft for final review.◆ Finalizes and distributes the response to comments and documents.

Timing

Site Mitigation

DTSC policy requires that the Response to Comments received during the public comment period be prepared before the final project decision, and distributed immediately, simultaneous with the announcement of the decision.

HWM

DTSC policy requires that the Response to Comments be prepared prior to the final permit/closure plan determination.

Techniques

Determine the format and assign responsibilities. These documents can become very long if the site or facility has generated a great deal of interest or has a long history of public involvement. The Project Manager generally writes the responses, since that person knows the site or permit best. Assistance in writing responses may be obtained from other technical staff and remedial contractors. Because the analysis of public comments may be written under a tight deadline (e.g., in preparation of the final RAP or permit determination), set up a schedule with the staff supplying responses that outlines when they will receive summarized comments, and deadlines for providing their responses.

DTSC will accept electronic comments submitted during a public comment period. Fact sheets, notices and other informational material should indicate the ability for the public to submit electronic comments, and provide an e-mail address for the DTSC contact.

Notification of Response

Establish a system for tracking comments. It is important to be certain that all comments are addressed. One possible system is to number comments as they are received by project staff, and refer to these numbers in all internal drafts of the

analysis. This step is highly recommended to provide verification that all comments were addressed, and allow easy identification of where they are addressed in the document.

Identify, categorize, and summarize comments. Comments should be identified in internal drafts by the number described above and the name of the person making the comment, if desired. Categorizing comments assists in developing a logical and easily referenced document. Comments may be categorized by the source of comments interested public, Responsible Party, State and local agencies); comment contents (i.e., transportation, economics, health). It is imperative that DTSC staff work closely with DTSC legal counsel to ensure that comments are characterized and responses phrased in such a way that DTSC cannot later be held accountable for having been either inconsistent or inaccurate.

California Health and Safety Code, states that the Response to Comments document must be made available to the public. However, it is DTSC policy that the document be sent to the following entities immediately after the project is approved.

- ◆ Those who submitted public comments;
- ◆ The mandatory mailing list;
- ◆ Those who specifically requested a copy of the Response to Comments; and,
- ◆ The information repository.